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FILED

2016 JUL -5 AM 9:59

N. MARTINS, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

DAVID S.M. JOHNSON,

Plaintiff,

v.

* SAFEWAY INC., a Delaware
corporation, JOHN DOES
1-5, JOHN DOE CORPORATIONS
1-5, JOHN DOE PARTNERSHIPS
1-5, ROE NON-PROFIT
ORGANIZATIONS 1-5, and ROE
GOVERNMENTAL AGENCIES 1-5,

Defendants.

CIVIL NO.

(Other Non-Vehicle Tort)

COMPLAINT; SUMMONS

16 -1 - 0381 (2)

COMPLAINT

1. At all times relevant herein, plaintiff DAVID S.M. JOHNSON was a citizen and resident of the County of Maui, State of Hawaii.

2. At all times relevant herein, defendant SAFEWAY INC., is and was a Delaware corporation doing business in the County of Maui, State of Hawaii as the Safeway supermarket in Kahului, Maui, Hawaii.

I hereby certify that this is a full, true and
correct copy of the Original.

Clerk, Second Circuit Court

EXHIBIT A

3. There may be other defendants, whose precise identities are presently unknown to plaintiff despite plaintiff's good faith efforts to identify them, but who later may need be defendants herein. Plaintiff's good faith efforts in identifying these other defendants include inspection of the scene of the occurrence, review of the customer accident form, reviewing the Department of Commerce and Consumer Affairs business registration records and other investigation.

4. Although presently unknown to plaintiff, plaintiff alleges, on information and believe, that, directly or indirectly, the conduct of such other unidentified potential defendants may have been a legal cause of the occurrence complained of and/or the injury, damage, or loss sustained by plaintiff, so that all defendants, unidentified and identified, are legally, jointly and severally liable therefor, inasmuch as the conduct of each defendant may have coincided and concurred with that of each and every other defendant.

5. Plaintiff alleges, upon information and belief, that at all times relevant herein, defendants, or any of them, transacted business in the State of Hawaii, derived substantial revenues from the sale of goods or services in the State of Hawaii, and/or committed tortious acts in the State of Hawaii.

6. On or about March 29, 2015, plaintiff DAVID S.M. JOHNSON was lawfully upon the premises owned, maintained and/or controlled by defendants, or any of them, as a customer of the Safeway supermarket in Kahului, Maui, Hawaii, when plaintiff DAVID S.M. JOHNSON suffered severe and permanent injuries as a

result of defendants', or any of their's, failure to maintain its premises in a reasonably safe condition.

7. At all times relevant herein, defendants, or any of them, failed to warn persons such as customer DAVID S.M. JOHNSON of the unsafe condition of the premises.

8. Unsafe conditions on defendants' premises at the Safeway supermarket in Kahului, Maui, Hawaii, included, but were not limited to, defendants' failure to maintain, properly equip and properly utilize its plastic bag dispensing equipment for customers such that a large heavy roll of plastic bags was not properly secured and fell upon plaintiff DAVID S.M. JOHNSON's left lower leg, resulting in injury.

9. The conduct of defendants, or any of them, in connection with the foregoing was negligent which negligence was a factual and legal cause of DAVID S.M. JOHNSON's injuries, damages, and losses.

10. As a result of the negligence of defendants, or any of them, DAVID S.M. JOHNSON sustained severe, substantial, significant, permanent physical and mental injuries, incurred medical expense, and will continue to incur medical expense, has undergone and continues to undergo medical treatment.

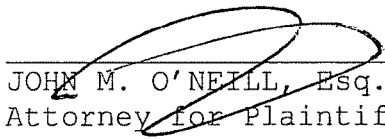
11. As a further result of the negligence of defendants, or any of them, DAVID S.M. JOHNSON suffered and continues to suffer severe emotional distress, mental anguish, and great physical pain and suffering.

12. As a further result of the negligence of defendants, or any of them, DAVID S.M. JOHNSON suffered a loss

of income and/or wages and diminished earning capacity as well as loss or diminution of enjoyment of life's activities.

WHEREFORE, upon a hearing hereof, plaintiff prays that judgment will be entered in his favor and against defendants for such special, general, and/or other damages as to which he shall be entitled pursuant to proof adduced at trial, together with costs of suit, attorneys' fees, pre- and post-judgment interest, and such other and further relief as to which he shall be entitled pursuant to Rule 54 of the Hawaii Rules of Civil Procedure.


DATED: Wailuku, Maui, Hawaii, 7-5-16.



JOHN M. O'NEILL, Esq.
Attorney for Plaintiff

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STATE OF HAWAII CIRCUIT COURT OF THE SECOND CIRCUIT		SUMMONS TO ANSWER CIVIL COMPLAINT		CASE NUMBER Civil No. 16-1-0381(2)
PLAINTIFFS DAVID S.M. JOHNSON,		VS.	DEFENDANTS SAFEWAY INC., a Delaware corporation, JOHN DOES 1-5, JOHN DOE CORPORATIONS 1-5, JOHN DOE PARTNERSHIPS 1-5, ROE NON-PROFIT ORGANIZATIONS 1-5, and ROE GOVERNMENTAL AGENCIES 1-5,	
PLAINTIFF'S ATTORNEY (NAME, ADDRESS, TEL. NO.) John M. O'Neill, Esq. #6314 LAW OFFICES OF JOHN O'NEILL 2233 Vineyard Street, Suite D Wailuku, Maui, Hawaii 96793 Tel: (808) 244-6929; Fax: (808) 244-9643				
<p>TO THE DEFENDANT(S):</p> <p>You are hereby summoned and required to file with the court and serve upon plaintiff's attorney, whose address is stated above, an answer to the complaint which is attached. This action must be taken within twenty days after service of this summons upon you, exclusive of the day of service.</p> <p>If you fail to make your answer within the twenty day time limit, judgment by default will be taken against you for the relief demanded in the complaint.</p> <p>If you fail to obey this summons this may result in an entry of default and default judgment.</p> <p>Pursuant to Rule 4(b) of the <u>Hawai'i Rules of Civil Procedure</u>, this summons shall not be delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the District or Circuit courts permits, in writing on the summons, personal delivery during those hours.</p>				
DATE ISSUED JUL - 5 2016	CLERK /sgd/ N. MARTINS (seal)			
I do hereby certify that this is a full, true, and correct copy of the original on file in this office.		CIRCUIT COURT CLERK		

 In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office at PHONE NO. 244-2969, FAX 244-2932, or TTY 244-2865, at least ten (10) working days prior to your hearing or appointment date.